





**FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS  
COMPLAINT UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331**

**COVER SHEET**

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

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The cost for filing a civil rights complaint is \$150.00.

If you do not have sufficient funds to pay the full filing fee of \$150.00 you need permission to proceed *in forma pauperis*. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

**CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.**

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1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$150.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you **DO NOT** have to complete the rest of the forms in this packet. Check here if you are submitting the filing fee with the complaint form. \_\_\_\_\_

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees. ~~X~~

**Please Note:** If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

**DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS**

## FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIADS 8353  
(Inmate Number)Michael J Potopowicz  
(Name of Plaintiff)PO Box A Bellefonte PA 16823  
(Address of Plaintiff)Michael J Potopowicz

vs.

Mr WheelerDr WalmarRobert W Meyers  
(Names of Defendants)

1 : CV 01-0749

(Case Number)

## COMPLAINT

FILED  
SCRANTON

APR 30 2001

PER [Signature]  
DEPUTY CLERKTO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

## I. Previous Lawsuits

- A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

NONE

## II. Exhaustion of Administrative Remedies

- A. Is there a grievance procedure available at your institution?

☒ Yes ☐ No

- B. Have you filed a grievance concerning the facts relating to this complaint?

☒ Yes ☐ No

If your answer is no, explain why not \_\_\_\_\_

- C. Is the grievance process completed?
- ☒
- Yes
- ☐
- No

## III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

- A. Defendant MR Wheeler is employed  
as Psychologist at SCI Rockview
- B. Additional defendants DR Waiman (Head Psychologist)  
Robert W Meyers (Warden)

## IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. See attached
- 2.
- 3.

1.

Mr Wheeler (Physicologist)

1. In Oct. 99 I was given a Hit by The PA Parole dept for reasons related to a 10 year old Sex Assault case in The Pre sentence Report Made by Avenel Diagnostic Center Located at 8 Production Way Avenel NJ 07001 It Cleanley stated I was not able to be charged as a Sex Offender and That No further Evaluations or Treatment is necessary or needed. Since Then no further cases or Sex related charges even occurred it was a 3 year age difference and there was no victim. The person involved was a girlfriend not a random person. Since SCI Rockview seen The Charge on My record They investigated and came up with the Avenel Center report and it said what I quoted in this case. Knowing The case facts and having The records to prove what I say is True. Mr Wheeler Took it upon himself to make his own Judgement Concerning this case and deliberately went against the records, and has forced me to under go a Sex Treatment program I do not need and is unnecessary. also as far as this 10 yr old case is concerned if there was a reason (which there is not) That I should do treatment to make parole My records would have stated a reason for doing so. My Attourney Richard M Keil of 220 Monmouth Rd Oakhurst NJ 07755 has sent Letters to This prison and

2.

all staff involved that if they kept going against my records (evaluations) from Avenel center that they would be violating my civil rights and if I was not cured by Avenel's standard (which I am) I would not have been released, and would have had to do treatment 10 years ago when this charge occurred. I am here in SEI Rockview for a (non violent NO accident, Victims, on property damage unrelated DUI and a unrelated non violent resisting arrest.) 2 separate charges on 2 separate dates 1 consecutive sentence of 1 to 4 years in prison) I was sentenced ~~to~~ on 8-27-98 NO New Sex Charges! so Mr. Wheeler knowing these facts deliberately filed his own evaluation against my 10 year old previous evaluation, which based on his information has caused 2 1 year parole hits in a row and is forcing a max out. When Mr. Wheeler was advised of what he was doing was wrong and a possible civil rights violation and a possible lawsuit his remark was ("go ahead and sue it's not my money you will get it's the tax payers, and I can do whatever I want I can hold any man in prison at will for any reason and parole will go by what I say even though your records are correct in what you say") I also will still have my job no matter what you do. I am a powerful man and won't be terminated! Dr. Walman will

SUPPORT My Recommendations and Evaluations and  
 There's nothing you can do about it, you have 2 choices Mr Potopowicz.  
 1. you can Max out in the sex program since you don't have enough  
 time to complete it because it takes years, OR Max out without  
 the sex program your choice. you will never make parole in PA  
 no matter what you do PA is not NJ we can do what we want with  
 any case or any man even though your records say you were not  
 found to be able to be charged as a sex offender and no  
 further evaluations or treatment is necessary or needed

## 2. Dr Walman (Head Psychologist)

for agreeing with Mr Wheeler knowing the true  
 facts of my records and is wrong for holding me in prison  
 for 4 years on a 1 to 4 yr sentence for a non-violent  
 un-related DUI and separate case unrelated to the DUI  
 of resisting arrest which was questionable. The avel  
 Diagnostic Center Report cleared me of sex programs and  
 treatment including any further evaluations for a 10 yr old  
 un-related sex assault, This institution knows the avel  
 Report is credible, no one has the power to change what is  
 written in it but the center which will stick to its own report.  
 and back up the staff who wrote the reports, and the judge  
 who presided on the case 10 years ago if there was a  
 problem and if I had to do treatment in any shape or  
 form my evaluations from avel would have said so



and would have made it perfectly clear that I was a risk when I am not, and I would have had to do treatment 10 years ago about this situation. The prison cannot just make up excuses to force someone in a sex program to get parole (if like I have said in this case). Knowing there's not a problem with me and my official court and diagnostic center records. This should be an open + shut case no questions asked as it states in my records. All information contained in the reports by Avenel Center as well as the pre sentence report is credible and true as I have stated.

### 3. Robert W Meyers (Warden)

for denying my appeal and siding with Dr Walman + Mr Wheeler, also knowing the letters sent to him and his staff by my attorney Richard M Keil also stating my case to this court above what I have quoted in this statement. Prison officials do not have legal authority to alter any official records and they are supposed to abide by what's written in them not make up things as they seem fit to do. Only the judge can do that not SCI Rockview staff.

4. Camp Hill Office of Inmate Grievances and appeals

for denying my final appeal on my Grievance process and siding with SCI Rockview Staff not reviewing the original Reports from Avenel center and only going by what the Grievance Responses were, and not doing a Thoro investigation to have me released on Parole and letting Parole believe only what the staff says and not the credibility of my Records by Avenel also finding me guilty of a failing to Register Charge in NJ before I even went to court about it and Parole saying that charge causes great concern before I was ever found guilty or took any Plea bargain, which was clearly stated on my green sheet. The last time I seen Parole with no conviction logged on my Record just the arrest, which should be illegal. My rights say you innocent til proven guilty in a court of law, Parole has no authority to take the law in its own hands and convict someone without a court saying so. They had no right to print (Your failing to Register causes great concern) on my green sheet without a conviction, denying me Parole because of an untried case.

## V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. Injunctive Relief Expungement  
so I can never be harassed by This  
again, and to be sure This doesn't happen again  
in the future My records support Expungement
2. Punative Damages  
for being denied Parole and for being forced  
to max out, Heavy Personal Losses, and family  
suffering, for me being absent in these lives
3. Compensation  
for being forced to max out lost wages, holding up  
my career, causing heavy debt and personal losses  
That wouldn't have occurred if This was handled right

Signed this 17<sup>th</sup> day of April, 2001.

Michael J. Potomocz  
 (Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

4-17-2001  
 (Date)

Michael J. Potomocz  
 (Signature of Plaintiff)